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RE Serial No.: 10602495 Corrected Preliminary

COVER MESSAGE

This facsimile contains nineteen (19) pages including this cover sheet.

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PATENT APPLICATION

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted herewith via facsimile transmission to Telephone No. (571) 273-8300 on the date indicated below and is addressed to: Mail Stop AMENDMENT, Commissioner for Patents, Box 1450, Alexandria, Virginia 22313-1450.

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Mark S. Peloquin, Esq.
Mark S. Peloquin, Esq.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 3751

In re: Darrell James Shelton
Application No.: 10/602,495
Attorney Docket No.: M5015.P001
Filed: June 23, 2003
For: SUPPORT APPARATUS FOR A HUMAN AND METHOD OF USE

FACSIMILE TRANSMITTAL

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Transmitted herewith for filing are the following:

1. Transmittal Form PTO/SB/21 (1 pg)
4. Corrected Preliminary Amendment (16 pg)

A total of 18 pages, including this facsimile transmittal are being submitted herewith:

Respectfully Submitted,
PELOQUIN, PLLC

Date: November 10, 2005

Mark S. Peloquin, Esq.
Mark S. Peloquin, Esq.
Registration No. 50,787

NOV 10 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/602,495
	Filing Date	June 23, 2003
	First Named Inventor	Darrell James Shelton
	Art Unit	3751
	Examiner Name	Huynh, Khoa D
	Attorney Docket Number	M5015.P001
Total Number of Pages in This Submission	18	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1.) Facsimile transmittal (1pg)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	PELOQUIN, PLLC		
Signature	<i>Mark S. Peloquin, Esq.</i>		
Printed name	Mark S. Peloquin, Esq.		
Date	November 10, 2005	Reg. No.	50,787

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Mark S. Peloquin, Esq.</i>		
Typed or printed name	Mark S. Peloquin, Esq.	Date	November 10, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appl. No. 10/602,495
Corrected Preliminary Amendment submitted with Response to Restriction dated: November 10, 2005
In Reply To Office Action dated: September 30, 2005 & Notice of Non-Compliant Amendment 37CFR1.121
Facsimile transmitted to the USPTO (571) 273-8300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/602,495
Attorney Docket No.: M5015.P001
Applicant : Darrell James Shelton
Filed : June 23, 2003
TC/A.U. : 3751
Examiner : Huynh, Khoa D
Confirmation No. : 2225

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CORRECTED PRELIMINARY AMENDMENT

Sir:

In response to the Notice of Non-Compliant Amendment (37 CFR 1.121),
mailed on November 2, 2005 Applicant submits this corrected preliminary
amendment.

In response to the Restriction Requirement of September 30, 2005, and
the subsequent telephonic interviews of October 18, 2005, October 19, 2005 and
email correspondence of October 20, 2005, Applicant submits this corrected
preliminary amendment and amends the above-identified application as follows:

Response to Election/Restriction

In accordance with the telephonic interviews conducted on October 18,
2005, October 19, 2005 and email communications of October 20, 2005,

Appl. No. 10/602,495
Corrected Preliminary Amendment submitted with Response to Restriction dated: November 10, 2005
In Reply To Office Action dated: September 30, 2005 & Notice of Non-Compliant Amendment 37CFR1.121
Facsimile transmitted to the USPTO (571) 273-8300

Applicant amends claims 46 and 60 to facilitate removal of all restriction requirements including the restriction requirement issued on September 30, 2005. Accordingly, Applicant requests that claims 51-53, 60-67, 75-113 be entered for examination as agreed to by Examiner Huynh during the telephonic interviews referenced above.

Election of Species

Applicant elects Species IV for examination. All pending claims, i.e., 45-53, 60-67, and 75-113 are readable thereon as agreed during the telephonic interviews of October 18, 2005 October 19, 2005, and the email communication of October 20, 2005.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 15 of this paper.